IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 2663 of 2005

Between:

1 G. Prabhudas, S/o. Pitchaiah,

Nadigadda, R/o. Nirmala Nagar, Vinukonda, Guntur District.

2 T. Ananda Rao, S/o. Kotaiah,
Nadigadda, Vinukonda, Guntur District.

..... PETITIONERS

AND

1 The Commissioner of Fisheries, Dapartment of Fisheries,
Tank Bund, Hyderabad.
2 The Deputy Director of Fisheries, Guntur, Guntur District.
3 The Asst. Director of Fisheries, Guntur District, Guntur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in not disposing of the representation dt. 09-2-2005 as illegal, arbitrary and consequently direct the Respondents not to grant permission for catching the fish in the Nadigudda Tank to the President, and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case

Counsel for the Petitioners:MR.U.RAMANJANEYULU

Counsel for the Respondents: GP FOR FISHERIES

The Court at the stage of admission made the following ORDER:

The petitioners claim to be the members of Fishermen Cooperative Society, Nadigadda village of Vinukonda mandal, Guntur district. They allege that the President of the Society committed irregularities and enquiry against him is pending. They claim to have approached this Court by filing W.P. No. 1041 of 2005 and no action has been taken on their representation for taking action against the President. On coming to know that the President of the Society made a representation to respondents 2 and 3 seeking permission to undertake fishing operations, the petitioners made a representation dated 09.02.2005 requesting the respondents not to accord such permission. They apprehend that their representation may not be taken into account and if permission is accorded they would be put to irreparable loss.

Heard the learned counsel for the petitioners and the leaned Government Pleader for Fisheries.

The nature of enquiry said to have been initiated against the President is not stated in this writ petition nor is it the subject matter of the same. The fishing operations in a tank for which the leasehold rights are granted in favour of the Society have to be undertaken in accordance with the relevant bye-laws and with due intimation to the authorities of the Department. The question as to whether the permission for undertaking fishing operations in the tank has any bearing on the enquiry, which is said to be pending, has to be taken into account by the respondents while according permission. The objections raised

by the petitioner or for that matter any other person, cannot override the larger interests of the Society.

Hence, the writ petition is disposed of directing that the respondents shall take into account the representation dated 09.02.2005 before according any permission to the Society for undertaking fishing operations and take a decision which would be in the larger interests of the members of the Society than advancing the interests of the individual members or the Management Committee. There shall be no order as to costs.

21.02.2005

Note:

Issue CC in three days.

(BO)

ksld

To

1 The Commissioner of Fisheries, Dapartment of Fisheries,
Tank Bund, Hyderabad.
2 The Deputy Director of Fisheries, Guntur, Guntur District.
3 The Asst. Director of Fisheries, Guntur District, Guntur.

4 Two CCs. to the G.P. for Fisheries, High Court of A.P., Hyderabad

(OUT)

5 Two CD copies.